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EXAMINER	
WILDER, PETER C	
ART UNIT	**PAPER NUMBER**
2614	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/928,741	BARTFELD, EYAL	
	Examiner	Art Unit	
	Peter C. Wilder	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on 8/23/05.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-26 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-26 is/are rejected.

7)☒ Claim(s) 24 is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

"[0022] The invention also describes a voice to text messaging system operating in conjunction with a television messaging system having a television messaging system, the voice to text messaging system comprising a server located remotely to a user premises, said server adapted to deliver messaging to a television via a downstream network, and a set top box coupled to the downstream network. A text entry device in communications with said set top box, is provided for text entry by a user. The text entry device is coupled to a speech to text module adapted to produce output representative said text in speech format, and a voice delivery module adapted to deliver said output to a target messaging server adapted to receive voice messages is coupled to the text to speech module."

The examiner understands a text-to-speech converter is being taught because of the passage "output representative said text in speech format." For the remainder of this office action the examiner will interpret the limitation speech-to-text to mean a text-to-speech converter.

Appropriate corrections to the passage above in terms of teaching a text-to-speech converter.

1. The disclosure is objected to because of the following informalities: In the summary paragraph [008] the word "transmitted" is spelled "transmi9tted." In the detailed description paragraph [032] the word "server" is spelled "serer."

Appropriate correction is required.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 11 recites the limitation "target messaging server" and "television messaging server." There is insufficient antecedent basis for this limitation in the claim.

3. Regarding claim 24, the phrase "substantially similarly" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

4. Regarding claim 25, the phrase "substantially" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

5. Where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999). The term "speech-to-text" in claim 15 is used by the claim to mean "converting text input to speech output", while the accepted meaning well known in the art is "converting speech input to text output." The term is indefinite because the applicant is not permitted to redefine a term well known in the art.

Claim Rejections - 35 USC § 103

1. Claims 1 - 5, 7-10, 12- 16, 20-23, 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKissick et al. (EP 1458193 A2) in view of O'Neal (U.S. 6711154 B1).

Referring to claim 1, McKissick teaches a set-top box in communication with the television messaging system (¶ [0024] teaches a messaging system with communication path 24 and ¶ [0025] teaches using a set top box which in figure 1A is connected to communication path 24, ¶ [0030] teaches the television distribution facility element 16 in figure 1A also connected to communication path 24 which contains messaging equipment element 22), and adapted to deliver a message through a

television coupled thereto (¶ [0038] teaches a television connected to the set top box to display or deliver a message, see Figure 1A element 30);

a text receiving module executed in the set-top box (¶ [0039] teaches a keyboard, figure 1B element 34, in communication with set-top box 34 for entering messages which can be displayed on the screen so there has to be some module in the set-top box to receive the messages from the keyboard, ¶[0033] teaches a processor in the set-top box to handle television message features), and adapted to receive text from a user (¶ [0039] teaches a user can enter the messages in);

but fails to teach, a text to speech module coupled to said text receiving module for transforming said text into speech, said text to speech module adapted to produce a voice output corresponding to said text; and, a voice delivery module adapted to deliver said output to a target messaging system capable of receiving voice messages.

O'Neal teaches a text to speech module coupled to said text receiving module for transforming said text into speech (Column 8 line 32-33 teaches text/speech converter, Column 8 lines 40-41 teaches a set top box and in figure 3 it teaches an "other" device which includes a Television to be able to be hooked up to the network), said text to speech module adapted to produce a voice output corresponding to said text (Column 8 lines 60-61);

a voice delivery module adapted to deliver said output to a target messaging system capable of receiving voice messages (Column 8 lines 48-59 teaches converting data and then sending it over a network to a local communication server element 402 in figure 4).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the text messaging function/device of McKissick, using the text to speech converter and transmission function/device of O'Neal for the purpose of being able to access all of his/her messages, regardless of message type, via a unified system, from either a computer or telephone (Column 3 lines 45-47, O'Neal).

Referring to claim 2, corresponds to claim 1, Mckissick teaches a text entry device to deliver user typed text to said text receiving module (¶ [0039] teaches a keyboard, figure 1B element 34, in communication with set-top box 34 for entering messages which can be displayed on the screen so there has to be some module in the set-top box to receive the messages from the keyboard).

Referring to claim 3, corresponding to claim 1, O'Neal teaches said output delivery module is adapted to transmit said output to the target voice messaging system in a voice data file format (Column 8 Lines 44-59 teaches storing voice data in VOX format).

Referring to claim 4, corresponding to claim 1, O'Neal teaches the output delivery module is adapted to transmit said output to the target voice messaging system in a speech format (Column 8 Lines 44-59 teaches real audio format as a type of streaming audio).

Referring to claim 5, corresponds to claim 1, where McKissick teaches set-top box is adapted to be coupled on an IP network and deliver said output therethrough (¶ [0027] along with figure 1A teaches a set-top box in communication with the internet which is an IP network).

Referring to claim 7 McKissick teaches a text receiving module, adapted to receive text input from a text entry device (¶ [0034] and Figure 1A with element 22, ¶ [0030] teaches the message equipment 22 can handle text), but fails to teach a text to speech module executed on said server, and coupled to said text receiving module for transforming said text into speech, said text to speech module adapted to produce a voice output corresponding to said text; and, a voice delivery module adapted to deliver said output to a target voice messaging system.

O'Neal teaches a text to speech module executed on said server (Column 8 lines 31-36 teaches a conversion from text to speech on a server), coupled to said text receiving module for transforming said text into speech (Column 9 lines 1-2), said text to speech module adapted to produce a voice output corresponding to said text (Column 8 lines 60-62), and, a voice delivery module adapted to deliver said output to a target voice messaging system (Column 8 lines 54-59).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the messaging system function/device of McKissick using the text to voice converting and transmitting function/device of O'Neal for the purpose of being able to access all of his/her messages, regardless of message type,

via a unified system, from either a computer or telephone (Column 3 lines 45-47, O'Neal).

Referring to claim 8 corresponds to claim 7, where McKissick teaches adapted to receive said text input via an upstream network selected from a group consisting of a television distribution network, a telephone network, a cellular network, a wireless network, a wired network, a satellite network, a terrestrial network, a DSL network, a data network or a combination thereof. (Column 7 paragraph [0024] lines 11 - 22)

Referring to claim 9, corresponding to claim 7, see rejection of claim 3.

Referring to claim 10, corresponding to claim 7, see rejection of claim 4.

Referring to claim 12, corresponds to claim 7, where O'Neal teaches a text to speech messaging server of claim 7 adapted to communicate with a text entry device via an upstream network (Column 8 lines 26 – 43 along with figure 4 teaches a computer element 404, a text entry device, being connect through element 402 to element 420 which contains a text/speech converter element 426).

Referring to claim 13, corresponds to claim 12, where O'Neal further teaches a upstream network is selected from a group comprising a telephony network, a cellular network, a wireless network, a television distribution network, a DSL network, and ISDN

network, a cable television network, an internet, or a combination thereof (Column 8 lines 26-43 teaches the internet comprising element 418 in figure 4).

Referring to claim 14, corresponding to claim 7, McKissick teaches a text entry device coupled thereto via a set-top box (Column 8 lines Figure 1B element 34 and element 38 and ¶ [0039]).

As noted in the beginning of this office action, references to a speech-to-text converter in claim 15 are recognized by the examiner as a text-to-speech converter.

Referring to claim 15 McKissick teaches a server located remotely to a user premises (Figure 1A shows element 22 Message equipment server ¶ [0034], remote from element 26 the set top box), said server adapted to deliver messaging to a television via a downstream network (¶ [0027] teaches communication paths element 24 that messages are sent down),

a set top box coupled to said downstream network (Figure 1A element 26 is a set top box),

a text entry device in communications with said set top box (Figure 1B shows element 34 which is a wireless keyboard, Column 10 lines 45 –48), for text entry by a user (if a keyboard is used it is obvious that the user is typing in the text);

but fails to teach a speech to text module adapted to produce output representative said text in speech format; and, a voice delivery module adapted to deliver said output to a target messaging server adapted to receive voice messages.

O'Neal teaches a speech to text module adapted to produce output representative said text in speech format (Column 8 lines 60-64); and, a voice delivery module adapted to deliver said output to a target messaging server adapted to receive voice messages (Column 8 lines 60-64).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the text entry in communication with the set top box device/function of McKissick using the voice delivery module function/device of O'Neal for the purpose of being able to access all of his/her messages, regardless of message type, via a unified system, from either a computer or telephone (Column 3 lines 45-47, O'Neal).

Referring to claim 16 McKissick teaches outputting a message to a user using a television (Column 34 ¶ [0119] the examiner reads outputting a message as sending the message);

teaches receiving a response message from a user (¶ [0042] teaches exchanging messages with other users so one user has to be receiving a message), said response comprising text (¶ [0030] teaches messages can involve text);

but fails to teach transforming said text into an output in a speech format; and, delivering said output to a messaging server adapted to receive voice messages.

O'Neal teaches transforming said text into an output in a speech format (Column 8 lines 60-62); and, delivering said output to a messaging server adapted to receive voice messages (Column 8 lines 60-64).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the television messaging system function/device of McKissick, using the text to speech converter located on a server function/device of O'Neal for the purpose of being able to access all of his/her messages, regardless of message type, via a unified system, from either a computer or telephone (Column 3 lines 45-47, O'Neal).

Referring to claim 20, corresponds to claim 16, where O'Neal further teaches said step of transforming is carried out by a server remote to said television (Column 8 lines 60-61, element 426 in Figure 4 is on a remote server).

Referring to claim 21, corresponds to claim 16, where O'Neal further teaches said output is in the form of a file containing data representing said speech (Column 8 60- 61 teaches converting the data and Column 8 lines 44- 59 talks about the audio being in file data format).

Referring to claim 22, corresponds to claim 16, where O'Neal further teaches wherein said output comprises electrical signals representing said speech (Column 8

lines 56-59 teaches real streaming audio being sent out of the server, the examiner also notes that any data sent down a wire is an electrical signal).

Referring to claim 23, corresponds to claim 22, where McKissick teaches a said step of delivering is performed by feeding said signals to a telephone network (Column 7 lines 11-22 teaches the use of telephone lines along data path 24).

Referring to claim 24 McKissick and O'Neal fails to teach a computer program a computer program that when executed by a computer, will cause the computer to operate substantially similarly to the voice to text messaging server of claim 7.

The examiner notes that it is inherent that a set-top box would have to have software on it or else it would not run or operate. This same software would then also run on a computer to. In paragraph [0034] McKissick teaches "...the set-top box sends data or requests to the server." McKissisk then goes on to teach the server can store and process data and send the results of a request back to the user television equipment for further processing, display, or storage." The ability to request and then store data means the set-top box has to have computer code in it.

Referring to claim 25 McKissick and O'Neal fail to teach a computer program a computer program that when executed by a computer, will cause the computer to operate substantially the steps of the method of claim 16.

The examiner notes that it is inherent that a set-top box would have to have software on it or else it would not run or operate. This same software would then also run on a computer to. In paragraph [0034] McKissick teaches "...the set-top box sends data or requests to the server." McKissisk then goes on to teach the server can store and process data and send the results of a request back to the user television equipment for further processing, display, or storage." The ability to request and then store data means the set-top box has to have computer code in it.

Referring to claim 26, McKissick teaches a text receiving module executed in the set-top box (Column 10 lines 42 – 45 and Column 9 lines 11-18 teach the set-top box having a processor to process the received signals from the keyboard), coupled to a keyboard for receiving text from a user (¶ [0039] along with figure 1B teach a keyboard);

but fails to teach a text to speech module coupled to said text receiving module for transforming said text into speech, said text to speech module adapted to produce a voice output corresponding to said text; a voice delivery module adapted to deliver said output to a target messaging system capable of receiving voice messages; and, an upstream network interface capable of delivering said output.

O'Neal teaches a text to speech module coupled to said text receiving module for transforming said text into speech (Column 8 lines 31-43 along with figure 4 teach the text/speech module coupled to a set-top box), said text to speech module adapted to produce a voice output corresponding to said text (Column 8 lines 60-62);

a voice delivery module adapted to deliver said output to a target messaging system capable of receiving voice messages (Column 8 lines 54-59); and,

an upstream network interface capable of delivering said output (Figure 4 along with Column 8 lines 18-25).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the text receiving function/device of McKissick using the text to speech converter function/device of O'Neal for the purpose of being able to access all of his/her messages, regardless of message type, via a unified system, from either a computer or telephone (Column 3 lines 45-47, O'Neal).

2. Claims 6, 11, 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKissick et al. (EP 1458193 A2) in view of O'Neal (U.S. 6711154 B1) further in view of Kolde (U.S. 2002/0175930 A1).

Referring to claim 6, McKissick and O'Neal teach all the limitations in claim 1, but fail to teach a text to voice device wherein said target messaging system is a unified messaging system.

Kolde teaches a text to voice device wherein said target messaging system is a unified messaging system (Figure 4 element 425 is inside element 400 which is also referred to as STB 102, page 6 ¶ [0081] and ¶ [0082] teaches voice synthesis and outputting a audio version of text display on the screen. Element 422 can be an email according to the figure).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the messaging system function/device of McKissick using the text to voice converter function/device of O'Neal, using the unified messaging system of Kolde for the purpose of assisting a speaker of a first language in operating a remote control device designed for a speaker of a second language (Page 1 ¶ [0019] Kolde).

Referring to claim 11, McKissick and O'Neal teach all the limitations in claim 7, but fail to teach the target messaging server is integrated into said television messaging server (The examiner is reading the claim as the set top box having the text-to-voice messaging server inside the set-top box; Page 6 ¶ [0081] teaches the set-top box including a text-to-speech converter inside of it Figure 4 element 414 and 422)

Regarding claim 17, McKissick and O'Neal teach all the limitations of claim 16, but fail to said step of transforming is carried out by a set-top box coupled to said television.

Kolde teaches said step of transforming is carried out by a set-top box coupled to said television (Figure 4 element 425 is inside element 400 which is also referred to as STB 102, page 6 ¶ [0081] and ¶ [0082] teaches voice synthesis).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify television messaging in text function/device of McKissick, using the speech converting function/device of O'Neal, using the set top box

coupled to the television of Kolde for the purpose of assisting a speaker of a first language in operating a remote control device designed for a speaker of a second language (Page 1 ¶ [0019] Kolde).

Referring to claim 18, corresponds to claim 17, where McKissick teaches said set top box is coupled to a data network and wherein said step of delivering is performed via said data network (¶ [0024] teaches messaging being done on a data path 24 in figure 1A).

Referring to claim 19, corresponds to claim 18, where McKissick teaches said data network is an Internet (¶ [0027] top of Column 8 line 2)

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter C. Wilder whose telephone number is 571-272-2826. The examiner can normally be reached on 8 AM - 4PM Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jason Salce
Art Unit 2611

Jason Salce
9-19-05

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